

MEMORANDUM

Texas Department of Human Services Long Term Care Policy * Survey and Certification Clarification

TO: Long Term Care-Regulatory
Regional Directors and State Office Managers

FROM: Evelyn Delgado
Assistant Deputy Commissioner
Long Term Care-Regulatory

SUBJECT: Investigation of Unlicensed Home and Community Support Services Agencies (HCSSAs) - **S&CC Memorandum 03-05**

DATE: January 31, 2003

Complaints alleging the violation of Health and Safety Code, Chapter 142, operating a home health agency, personal assistance services agency or hospice without a license, will be investigated by the regions effective immediately.

Regional staff will:

1. Investigate the unlicensed business/agency to determine if it is operating in violation of Health and Safety Code, Chapter 142.
2. Notify the unlicensed business/agency in writing of the investigation findings. If the unlicensed agency is found in violation of Health and Safety Code, Chapter 142:
 - a. Use the attached notice letter to advise the unlicensed agency of action the Department of Human Services will take if the facility does not respond with a decision to comply within 30 days of the date of the notice.
 - b. Follow up with the appropriate licensing staff in State Office to determine if the unlicensed agency submitted an application for a license within 30 days of the date of the notice, especially if no other response was received.
 - c. Refer the unlicensed agency to the local prosecuting attorney and the Office of the Attorney General if the agency did not respond in writing as specified in the preceding paragraphs.

For questions regarding this memorandum, please contact Geri Bischoff, R.N., HCSSA Program Specialist in Professional Services, at (512) 438-4417. For questions regarding the licensure application process, please contact Mary Jo Grassmuck, R.N., M.S.N., HCSSA Licensing Unit Manager in Facility Enrollment, at (512) 438-2183.

[signature on file]

Evelyn Delgado

ED:mg

[Attachment](#)

c: Bettye M. Mitchell, W-515
Merrie Duflot, W-404
Regional Administrators



COMMISSIONER
James R. Hine

Attachment 1- Sample Notice Letter for Unlicensed HCSSAs

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CERTIFIED MAIL

Name
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Dear

Re: Complaint Investigation

The Texas Department of Human Services (DHS) conducted a complaint investigation at (address of agency) on (date of investigation). This agency was found in violation of Health and Safety Code, Chapter 142, by providing home health, hospice, personal assistance services, and/or representing to the public that the business/person is licensed to provide these services for pay without a home and community support services agency (HCSSA) license. To comply with Health and Safety Code, Chapter 142, you must choose one of the following options:

- Comply with appropriate licensing regulations to operate a licensed agency,
- Discharge the clients currently in your care, or
- Transfer the clients to a licensed agency.

If your decision is to become a licensed agency, fax a request for a HCSSA application and licensing standards to Melba Griffin in Long Term Care-Regulatory Customer Services, at (512) 438-2722. The completed application with the required fee and documentation must be submitted within 30 days of the date of this letter to DHS, Long Term Care-Regulatory, Facility Enrollment, Mail Code E-342, P.O. Box 149030, Austin, Texas 78714.

You must send a written response indicating your decision to comply within 30 days of the date of this letter to DHS, (city) Regional Office at (address of Regional Office). If no response is received, DHS will refer this matter to the local prosecuting attorney and the Office of the Attorney General.

If you have questions regarding this letter, please contact (regional person) at (telephone number). If you have questions regarding the status of your application, you may contact Mary Jo Grassmuck, R.N., M.S.N., HCSSA Licensing Unit Manager in Facility Enrollment, at (512) 438-2183.

Sincerely,

Regional Director

initials

c: Facility Enrollment, HCSSA Licensing